IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3365 OF 2005
IN
FIRST APPEAL NO.1441 OF 2006.

The New India Assurance Co.Ltd. ... Applicant.
Versus.
Vinod Ramesh Patil & anr. ... Respondents.

Shri S.M.Dange for the Applicant.

Shri T.J.Mandon for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 26th July, 2006.

P.C.:

1. Heard the learned Advocates appearing for the Applicant and the Respondent No.1. The Applicant has deposited only 50% of the amount payable under the impugned judgment and Award. As a condition for grant of stay, the Applicant will have to deposit the entire amount due and payable as per the impugned judgment and Award. Considering the nature of controversy involved in the present Appeal, the 1st Respondent will have to be permitted to withdraw a sum of Rs.1,25,000/- without furnishing security and a further sum of Rs.1,75,000/- on furnishing security. Rest of the amount will have to be invested.

2. Hence the Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire amount due and payable under the impugned judgment and Award with the Commissioner for Workmen's Compensation within a period of eight weeks from today.

ii) If the entire amount is not deposited within the stipulated time, the Application will stand dismissed without further reference to the Court and ad-interim relief will stand vacated.

iii) If the amount is deposited, the learned Commissioner for Workmen's Compensation will permit the 1st Respondent to withdraw a sum of Rs.1,25,000/- without furnishing any security. The Respondent No.1 will be also entitled to withdraw a sum of Rs.1,75,000/- subject to furnishing adequate security to the satisfaction of the learned Commissioner for Workmen's Compensation. Before accepting the security, the learned Commissioner will hear the Applicant.

iv) Rest of the amount deposited by the Applicant shall be invested by the learned Commissioner for Workmen's Compensation in a fixed deposit in any nationalised bank initially for a period of 5 years and thereafter the fixed deposit shall be renewed from year to year till the final disposal of the Appeal.

v) Issuance of certified copy of this order is expedited.

Judge.